THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3409 of 2006

Date: 23-02-2006

Between:

1.Lanka Venkata Lakshmi, and 5 others. …Petitioners

and

1.The District Collector,

Visakhapatnam, and another. …Respondents

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents, in trying to dispossess the petitioners from their respective patta lands situated in Survey No.272/P of Rambilli Bit-2, Rambilli Mandal, Visakhapatnam District, without following the due process of law either under Land Acquisition Act or any other Act, as illegal and arbitrary.

The facts, in brief, are as follows:

The petitioners are the owners and possessors of the lands in Survey No.272/P situated in Rambilli Bit-2, Rambilli Mandal, Visakhapatnam District, and in respect of the said lands, pattadar pass books and title deeds have also been issued to them. Recently, the second respondent-officials have inspected the said lands and took measurements of the lands situated in Kothapatnam and Rambilli Bit-2 and orally asked the petitioners to vacate the lands in question. Hence, the Writ Petition.

Heard learned Counsel for the parties and perused the entire material available on record.

A perusal of the affidavit, filed in support of the Writ Petition, goes to show that the petitioners were orally informed by the second respondent officials, who inspected the lands in question, that those lands are required for the purpose of construction of “East Coast Naval Alternate Upgrading Base” and in this connection, the measurements of various survey numbers have been taken. But, in support of the said contention, no material, whatsoever, has been placed before this Court. Petitioner filed this writ petition merely on the basis of an apprehension. However, if the lands in question are required for public purpose, it is always open for the respondents to initiate proceedings in accordance with the provisions of the Land Acquisition Act.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it just and proper to direct the respondents not to dispossess the petitioners from their respective lands in question, without following the due process of law, and without affording an opportunity to the petitioners.

Writ Petition is, accordingly, disposed of. No costs.

23-02-2006

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